

COUNCIL CHAMBERS CITY COUNCIL  
CITY HALL - CITY OF LODI  
February 20, 1952

This regular meeting of the City Council of the City of Lodi held beginning at 8:15 o'clock P.M. of Wednesday, February 20, 1952; Councilmen Bull, Haskell, Preszler, Rinn and Tolliver (Mayor) present, none absent. In the absence of City Manager Weller, J.F. Blakely, City Clerk presented the agenda.

The minutes of the previous meeting of February 6, 1952 were approved without correction, copies having been mailed each Councilman prior to this meeting.

PUBLIC HEARINGS -

HEARING ON  
GHOLSON  
TAXICAB  
APPLICATION

Mayor Tolliver opened the meeting under this head for the hearing of evidence either for or against the application of Thomas C. Gholson for a taxicab permit under Ordinance No. 258. Service of written notice on applicant and on the only holder of a similar permit, City Cab Company, that a hearing would be held at this place and time, was proven by affidavit of the City Clerk.

Mr Robert J. Mertz, Attorney of Record for City Cab Company addressed the City Council in objection to the granting of a second taxicab permit in Lodi, having previously furnished each Councilman with an accountants financial statement of business transacted by this company in 1951, stating that the meagre profit shown was attained without allowing any salaries to the owners of the business; that by conducting a service station in connection with the taxicab business, they were enabled to reduce overhead charges and purchase gasoline at cost. The income is seasonal, reaching its peak during the Fall grape season. He held that the size of the City and its types of businesses restrict the use of cabs. He also argued that competing cabs would further congest traffic and competing drivers would increase accidents. He also objected to the taxi stands proposed by Gholson as eliminating at least three public parking spaces in the down-town area. Further, that the central station proposed would be in a wholesale liquor store located on one of the states principal highways. He cited his company's safety record of one accident in one hundred thousand miles of driving; that there had been only one minor complaint filed with city authorities and presented evidence that City Cab Company is very prompt in answering calls. In answer to an inquiry from Councilman Haskell, he stated that City Cab Company employs three dispatchers and six drivers, one of the proprietors often taking a shift. Mr Mertz closed his opening argument at 8:37 P.M.

Mr Reuben P. Rott, Attorney for applicant then addressed the Council. He stated that Mr Gholson had conducted a taxicab business successfully in Turlock for five years and filed a written statement showing his financial responsibility. Mr Rott claimed that present service is inadequate and that public convenience and necessity required that another company engage in this business in Lodi. He stated that his client proposed to charge by metered distance and would install radio control in his cabs. He stated that there is now only one cab for each 4576 persons in Lodi while in the City of Tulare, there is one cab for each 824 persons; in Madera, one for 869 and in Modesto, one for each 867. He denied that traffic hazards would increase or that the addition of four or five vehicles would cause traffic congestion. As to City Cab Company not making adequate profits; he held this to be a matter of good management. At 9:02 P.M. Mr Rott closed his argument and Attorney Mertz offered a statement in rebuttal, repeating that conditions in Lodi differ from those in the cities named by Mr Rott and that no evidence of high standard service in these cities had been offered. Mr Mertz stated, also, that if the City Council deemed meters necessary, City Cab Company would install them in its vehicles.

Councilman Rinn suggested that statements be heard from the assembled audience but none were offered. At 9:15 P.M. the Mayor declared the hearing closed.

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**COUNCIL CHAMBERS CITY COUNCIL  
CITY HALL - CITY OF LODI**

PUBLIC HEARINGS - (continued)

<p>ANNEXATION 42ND ADDN. ORDINANCE NO. 454 INTRODUCED.</p>	<p>This also being the place and time for the reception and hearing of objections to the annexation of 42nd Addition; due notice was proven by a report of the City Clerk substantiated by affidavits of mailing and of publication, showing publication of notice in The Stockton Daily Record and in the Lodi Times more than twenty days previous to this day and mailing of notice to all property owners in the territory, also more than twenty days next preceeding February 20th. Mayor Tolliver then asked for the presentation of objections. None were offered, either written or oral. The City Council then having acquired jurisdiction so to do, Councilman Preszler, seconded by Councilman Haskell moved the introduction of Ordinance No. 454, " APPROVING THE ANNEXATION OF 42ND ADDITION SOUTH OF LODI BARNHART TRACT AND WEST OF CHEROKEE LANE TO THE CITY OF LODI AND BECLARING THE SAME TO BE ANNEXED TO AND MADE PART OF SAID CITY " . Reading of the ordinance in full was omitted, after reading by title, by unanimous consent. The motion carried and this ordinance was ordered to stand introduced and be laid over for not less than five days.</p>
<p>WATER TANK REPAIR JOB LET TO GORES TANK &amp; STEEPLE- JACK CO. RES. 1659</p>	<p>Bids received by the City Clerk on February 18th for painting, cleaning and repairing the City's 100,000 gallon water tank were then presented. After careful consideration of the extra work that would be involved it was decided that the proposal of Gores Tank and Steeplejack Company would be the lowest and best bid and award was made to that Company by the adoption of Resolution of Award No. 1659, introduced by Councilman Rinn, Bull second and carried by unanimous vote. The Gores bid is \$1,325.00 for painting and cleaning plus 50¢ for each pit and rivet needing repair and \$2.50 per lineal foot of seam to be welded.</p>
<p>MOTOR-GRADER AWARD RES. 1658</p>	<p>After much argument, particularly from " Graco " representatives as to inconsistencies in the specifications, award for the purchase by the City of a diesel powered motor-grader was made to Edward R. Bacon Company for an Austin-Western Grader at \$11,307.00 by the adoption of Resolution of Award No. 1658 by the following vote:  <p style="margin-left: 40px;">AYES: Councilmen, Haskell, Rinn and Tolliver          NOES: Councilmen, Bull and Preszler.</p> </p>
<p>WATER TO C.G. REIMCHE 302 KETTLEMAN</p>	<p>C. G. Reimche, presently served city water for agricultural use at 302 Kettleman Lane, requested by letter that this use be transferred to two dwellings to be erected by him. ( The City's well on Stockton &amp; Kettleman, when in operation, makes Mr Reimche's well inoperative ). Transfer approved on motion of Councilman Bull, Haskell second, the use to be limited to the two dwellings mentioned in the letter.</p>
<p>INDUSTRIAL ZONING FLORA- &amp; STOCKTON SET FOR HEARING.</p>	<p>The City Planning Commission reporting favorably on the application of Mumbert Concrete Pipe Company for Industrial Zoning of Lots 18; 20, 22 and 24, Block B, Subdivision of Lot 72, Lodi Barnhart Tract, this application was set for public hearing March 19, 1952; motion Councilman Haskell, Bull second.</p>
<p>NO RENTAL LOTS 50 &amp; 51 BARNHART TR.</p>	<p>The offer of D'Arrigo Brothers to rent Lots 50 &amp; 51, Lodi Barnhart Tract for the current year for \$1,600.00 was declined, the City Council having decided that this land would be cleared immediately and leveled in furtherance of its use as a public park and play ground.</p>
<p>FLOOD PROTECTION</p>	<p>Mr C. R. Van Buskirk addressed the Council, asking that the City of Lodi acknowledge its responsibility for proper maintenance of levees along the Mokelumne River and Lodi Lake Park. City Engineer Heckenlaible explained the work underway, his consultations with property owners both in and outside the City and the U.S. Army Engineers.</p>

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COUNCIL CHAMBERS CITY COUNCIL  
CITY HALL - CITY OF LODIBIDS ON  
EQUIPMENT  
BUILDING

It appearing that copies of specifications for the purchase and erection of " Equipment Storage Building " had not been made available to prospective bidders in time for submission of bids on February 18th, it was moved by Councilman Bull, Rinn second that the time for reception of bids be continued to March 3rd. and of award to March 5th.

GHOLSON  
APPLICATION  
CONTINUED.

In the matter of the application of Thomas C. Gholson for a permit to operate taxicabs in Lodi, first mentioned in these minutes, it was moved by Councilman Bull, Haskell second, that this matter be continued to 8:00 P.M. of Wednesday, March 5, 1952 in order that Councilmen might give consideration to arguments advanced at the hearing held at the present meeting.

S.P.CO.  
DIVERSION  
MOKELUMNE  
RIVER FLOW  
AT BRIDGE.

A letter requesting the removal of excess material piled along the south bank of the Mokelumne River in the area formerly used for disposal of rubbish east of the Southern Pacific bridge was received from that Company. The City Clerk reported that this complaint had been taken up by Southern Pacific with the State Reclamation Board and had been the subject of many conferences between City Engineer A. C. Heckenlaible and Southern Pacific Engineers; also, that City Manager Weller recommended that the City's legal responsibility be determined. Moved by Councilman Rinn, Bull second, that this matter be referred to the City Attorney for opinion as to legal responsibility and to the City Engineer for determination of the extent to which the City had diverted stream flow.

FINAL MAP  
RIECK TRACT  
APPROVED.

On favorable report that the City Planning Commission had approved the tentative map and on certificate of the City Engineer that the final map of the next herein described subdivision was in substantial compliance with this tentative map, it was moved by Councilman Bull, Rinn second, that the City Council approve " MAP OF RIECK TRACT " and accept the offered dedication of the streets named therein. Mayor Tolliver then signed this acceptance.

## CLAIMS

Claims in the amount of \$36,263.15 as approved by the Finance Department were allowed and ordered paid on motion of Councilman Bull, Preszler second.

ORDINANCE  
NO. 453  
PASSED.

ORDINANCE NO. 453 - AMENDING THE ZONE DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING LOT 1 OF BARBOUR-BECKMAN TRACT 4 AND LOT 1 OF BARBOUR-BECKMAN TRACT 5 TO BE IN THE MULTIPLE FAMILY RESIDENCE DISTRICT ZONE AND ALSO REZONING PART OF LOT 46 OF LAWRENCE HOMESTEAD ADDITION TO BE IN THE INDUSTRIAL DISTRICT ZONE " having been regularly introduced on February 6, 1952, was brought up for passage on motion of Councilman Bull, Haskell second, second reading omitted after reading by title by unanimous consent and then passed, adopted and ordered to print by the following vote:

AYES: Councilmen, Bull, Haskell, Preszler, Rinn and Tolliver.

NOES: Councilmen, None. ABSENT: None.

Mayor Tolliver then approved and signed Ordinance No. 453

RES. 1660  
ADOPTED  
STATE SALES  
TAX INFORM-  
ATION.

Resolution No. 1660, requesting the State Board of Equalization to recommend to the Governor that State sales and use tax information be made available to local sales tax administrators was introduced by Councilman Bull, Preszler second, and adopted by unanimous vote. The purpose of this request is to obviate costly auditing procedures by the cities imposing sales and use taxes and save taxpayers from a double audit of sales tax returns.

COUNCIL CHAMBERS CITY COUNCIL  
CITY HALL - CITY OF LODI

At this time, Councilman Bull moved the adoption of the following resolution; Councilman Rinn, in seconding Mr Bull's motion, moved that the resolution be spread in full in the minutes of this meeting. Motions carried and all Councilmen and the City Attorney signed the original copy:

RESOLUTION NO. 1661  
A RESOLUTION OF APPRECIATION TO CITY CLERK  
JOHN F. BLAKELY ON THE OCCASION OF HIS RE-  
TIREMENT FROM ACTIVE SERVICE.

WHEREAS, John F. Blakely, City Clerk of the City of Lodi, California will on February 20, 1952, have completed thirty-one years of continuous service to said City; and

WHEREAS, during much of this time he has been solely responsible for the day to day administration of the City's activities and throughout his entire period of service has undertaken a heavy burden of responsibility; and

WHEREAS, his actions, counsel and advice have contributed most significantly to the progress and prosperity of his community; and

WHEREAS, his unselfish service at personal sacrifice to himself is a source of pride and affection on the part of the people of Lodi and an inspiration to public employees everywhere; and

WHEREAS, John F. Blakely will retire from service with the City of Lodi on March 1, 1952, upon attainment of compulsory retirement age, now, therefore

BE IT RESOLVED THAT:

This City Council express its sincere gratitude for a long and honorable career and its keen regret in the loss of so fine an agent of the public; and

BE IT FURTHER RESOLVED THAT:

The people of the City of Lodi and of the Lodi District be encouraged to express, individually and collectively, their appreciation of a long and difficult task so well accomplished.

The retiring City Clerk expressed his appreciation for the consideration shown by the City Council in adopting the foregoing resolution.

BLAKELY  
CONTINUED  
IN OFFICE  
UNTIL A  
SUCCESSOR  
APPOINTED.

It appearing to the satisfaction of the City Council that the securing of a replacement for Mr Blakely both by solicitation and by examination of applicants, had met with no success and that it is mandatory that the position of City Clerk be maintained continuously; that in most cases it is required that an officer of the city be continued in office not only to the end of his term but also "until his successor shall have been selected and shall have qualified", and that, although the provisions of Ordinance No. 416 fix retirement at age 70, the various details surrounding the coming election on April 8, 1952 and various pending incomplete proceedings require that he be retained until a successor is chosen; it was moved by Councilman Rinn, Haskell second, that Resolution No. 1662 be adopted. This resolution requests that Blakely continue in office until an appointment is made to the office of City Clerk. Motion carried and Resolution No. 1662 adopted by unanimous vote.

BLAKELY  
ACCUMULATED  
VACATION  
LEAVE

It also appearing that, due to press of City business and the radical changes made in the form of city administration within the past years, Blakely had been unable to take the annual vacations allowed all City employees, the City Council determined that he be allowed leave equal to his estimated accumulated vacation time of six months dating from the day when his employment would cease as set forth in Resolution No. 1662. Order passed by unanimous vote.

COUNCIL CHAMBERS CITY COUNCIL  
CITY HALL - CITY OF LODICITY MANAGER  
SALARY

Councilman Haskell then requested that the City Council give consideration to the salary of the City Manager, particularly as to the ceiling which a City Manager might hope to attain in Lodi. He stated that, at the time this position was created, the City Council had in mind a top salary of from \$8,000 to \$8500.00 under conditions then existing. These conditions have changed with the progress of inflation and this position should merit a higher ceiling. He therefore moved that the salary of the City Manager be fixed at \$800.00 per month; Councilman Rimm seconded this motion adding that this salary be effective from February 1, 1952; amendment accepted and on poll of the Council, Councilmen Rimm, Haskell, Preszler and Tolliver voted AYE; Councilman Bull voted against the measure, stating emphatically that his vote had nothing to do with the present incumbent of the office; he felt that Lodi could not overpay Mr Weller, but that the Federal Government had requested that pay raises be limited to a maximum of 10% and he thought that governmental agencies should abide by this request. The complications involved on account of City ownership of Public Utilities were also cited as justifying a higher salary for the City Manager than in cities having strictly governmental problems; further, that a top salary of \$10,000 seems to prevail in cities of from 10000 to 25000 population.

## ADJOURNMENT

At 12:30 A.M. of Thursday, February 21, 1952, the Mayor declared this meeting adjourned.

Attest:

  
J. F. BLAKELEY, City Clerk.